

UNITED STATES DISTRICT COURT
 for the
 Southern District of Ohio

 Mark A. Heatherly _____)
 Plaintiff _____)
 v. _____)
 _____) Civil Action No. 3:11-cv-438
 Commissioner of the Social Security Administration _____)
 Defendant _____)

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$ _____), which includes prejudgment interest at the rate of _____ %, plus postjudgment interest at the rate of _____ %, along with costs.

the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____.

other: that Judgment is entered in favor of Plaintiff Mark A. Heatherly and against Defendant Commissioner. The Commissioner's decision of non-disability is VACATED. No finding as to whether Plaintiff is under a "disability" within the meaning of the Social Security Act. The action is REMANDED to the Defendant Commissioner and the Administrative Law Judge for further proceedings pursuant to Sentence Four of 42 USC 405(g).

This action was (*check one*):

tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

tried by Judge _____ without a jury and the above decision was reached.

decided by Judge Walter H. Rice _____ on a motion for Order for Report and Recommendations _____

Date: _____ 12/05/2012 _____

CLERK OF COURT

K. French

Signature of Clerk or Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Western Division

Mark A. Heatherly :
Plaintiff :
vs : Case Number: 3:11-cv-438
Commissioner of the Social Security Adm :
Defendant :

NOTICE OF DISPOSAL PER SOUTHERN DISTRICT OF OHIO LOCAL RULES
79.2(a)&(b)

The above captioned matter has been terminated on 12/05/2012.

If applicable to this case, the disposal date will be six (6) months from the above termination date.

Rule 79.2(a) Withdrawal by Counsel:

All depositions, exhibits or other materials filed in an action or offered in evidence shall not be considered part of the pleadings in the action, and unless otherwise ordered by the Court, shall be withdrawn by counsel without further Order within six (6) months after final termination of the action.

Rule 79.2 (b) Disposal by the Clerk

All depositions, exhibits or other materials not withdrawn by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

JOHN P. HEHMAN, CLERK

By: K. French
Deputy Clerk